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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,967	09/25/2003	Weston Wilhour	7984-A03-003	7022
33771	7590	11/28/2005	EXAMINER	
PAUL D. BIANCO: FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI, & BIANCO P.L. 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180			HORTON, YVONNE MICHELE	
		ART UNIT		PAPER NUMBER
		3635		
DATE MAILED: 11/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/670,967	WILHOUR, WESTON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yvonne M. Horton	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 13 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 2 and 12-20 is/are allowed.  
 6) Claim(s) 1 and 3-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,577,444 to SANDERSON in view of WILSON. SANDERSON discloses the use of a post framing system including a plurality of support posts (12) and a plurality of low/high wall sections (20,30)/(20,34). SANDERSON discloses the basic claimed framing system except for the support posts including upper, lower and middle ply members and except for the specifics of the materials used to form the vertical posts. Although SANDERSON is silent in regard to the material used to form his support posts, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice. For instance, SANDERSON discloses the use of decorative sheets similar to plywood that are laminated. Thus, it would be obvious to one having skill in the art to also use vertical posts made from a similar material in order to create a structure that is uniform and aesthetically pleasing. As far as the upper, lower and middle ply members, WILSON does not teach ply members per se', he does; however, teach the use of support posts (12) having upper/lower ply members (14), and middle ply members (12a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the

structure of SANDERSON with the support posts of WILSON in order to provide the structure with added strength and rigidity. Support posts made from multiple layers provide structure with added strength and are less likely to break as a result of pressure applied thereto. Regarding claim 3, SANDERSON further includes a skirt assembly including an inner skirt (20) and an outer skirt (138); wherein the inner skirt (20) includes a plurality of notches (22). In reference to claim 4, the interior surfaces of the support posts, low walls, and high wall sections are flush with an exterior surface of the support posts, low walls, and high walls.

Claims 5-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,577,444 to SANDERSON in view of US Patent #6,427,407 to WILSON. Regarding claim 5 and 8, SANDERSON discloses the basic claimed post framing system, as disclosed above, except for the inclusion of jamb members. WILSON teaches that it is known in the art to provide a post framing system with jambs formed by members (28,30) and a plurality of horizontal members (as at 18b) therebetween. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of SANDERSON with the jamb members of WILSON in order to properly place the system within an opening in the building. In reference to claims 6 and 9, WILSON teaches the use of a corner wall (20) and angle brace (38). Regarding claims 7 and 10, the low (30) and high (34) walls of SANDERSON are end walls. In reference to claim 11, it would have been an obvious matter of design choice to select a known wall height or length suitable for the use intended as an obvious matter of design choice. For instance, if the post framing system where being used to

form a modular wall library wall dimensions of varying height and lengths would be appropriate in order to accommodate different types of books therein.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claim 2 is allowed and claims 12-20 remain as being allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton  
Examiner  
Art Unit 3635  
11/21/05